



533 Rec [redacted] PTO 07 AUG 2000

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RECEIVED

21 AUG 2000

Legal Staff  
International Division

Commissioner of  
Patents and Trademarks  
Patent and Trademark Office  
Washington, DC 20231  
USA  
via fax and mail

John  
SCID legal  
Shelby

Vienna, the July 21<sup>st</sup>, 2000

Application Number PCT 09/446, 128 or in Germany PCT/EP/98/03349

(Process for further processing of small glass particles = Verfahren zur Weiterverarbeitung von Glasparkeln)

Application Number PCT 09/446, 137 or in Germany PCT/EP/98/03348

(Process for further processing of glass foil and resulting laminated products = Verfahren und Vorrichtung von Glasfolien sowie daraus hergestellte Verbundkörper)

Gentlemen:

I am - together with Mr. Christian Klepsch - the joint inventor of the above mentioned two PCT applications which refer to the priorities under the following German patent applications: 197 28 682.8; 197 32 462.2; 197 40 160.0; 197 44 876.3; 197 40 163.5 and 197 32 461.4.

I have been asked by the counsel of a certain Starshine Glastechnologie GmbH (Starshine) to sign two declarations and powers of attorney for patent applications or, in the alternative, to state the reasons why I refuse to sign them.

Hereby, I do declare that I refuse to sign the declarations as requested for the following reasons:

On May 3<sup>rd</sup>, 1999 I agreed to transfer my rights as to the patent applications to a certain KGT Klepsch Glastechnologie GmbH (KGT) for a total consideration of app. ATS 3,6 Mio. (cash payment of app. ATS 600,000.00 and release from a guarantee to KGT's bank ATS 3 Mio). The contract was made with KHI Kunststoffhandel GmbH (KHI) who became a shareholder of KGT. While KHI paid app. ATS 600,000.00 it did nothing to obtain my release from the bank guaranty.

Only a few months later KGT sold most of its assets including the patent rights to Starshine. From the purchase price a part was used for repayment of the bank loan so

that my liability to the bank was reduced to ATS 1.5 Mio. which amount I had to pay to the bank in February 2000 (see enclosure: bank statement showing the remittance of ATS 1,485.829.78 on Feb. 03, 2000).

With respect to these ATS 1.5 Mio a law suit is pending against KHI. The Judge indicated that he will order KHI to pay that amount to me. In the meantime, however, bankruptcy proceedings were commenced with respect to KHI. Therefore, as soon as the judgment will have been issued I will also file a statement to the public prosecutor for fraud by KHI's managing directors. In addition, a second complaint will be filed against another shareholder of KGT who did not fulfill his obligations in the amount of ATS 1 Mio.

As a consequence, due to non-payment of my claims, I do have to revoke the May 3<sup>rd</sup>, 1999 agreement. As a result of that unclear legal situation and in order to protect my claims for re-transfer of the patent rights I do object to any disposition by third parties as to my applications. I do

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that the Patent and Trademark Office does not proceed with any applications of third parties without my prior written consent.

For further proceedings I hereby appoint as my legal representative:

Dr. Ingrid Weisz, LL.M.  
Attorney at law  
Florianigasse 7/9  
A-1080 Wien  
Phone: (43-1) 406 00 51  
Fax: (43-1) 406 00 52-22

Yours sincerely,



(Dr. Sarolf Sauer)

Encl.

cc: Hoffman Wasson & Gitler PC

## KONTOAUSZUG

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B neben Buchungsnr. = Beleg fest bel - N = Beleg wurde bereits zugessandt - F = Beleg folgt  
Oberbank AG, Rechtsform: Aktiengesellschaft, Sitz: Linz, Firmenbuch-Nr.: FN 73087 w, Landesgericht Linz, DVA 0018020, BLZ: 15000